

## **REMARKS**

### ***I. Claim Status***

Claims 13-25 and 54, 55 remain in this application.

Claim 13 has been amended. Support for this amendment can at least be found on paragraph 27 and Figure 2 of the specification. No new matter has been introduced with this amendment.

Claims 23 and 24 were amended to include the limitations of independent claim 13 as it stood when claims 23 and 24 were first indicated as having allowable subject matter.

Claims 54 and 55 were amended to reflect the amendment to independent claim 13, from which the claims depend.

Claims 1-12 and 26-53 were canceled.

### ***II. Allowable Subject Matter***

The indication in the Office Action that Claims 20, 21, 23, and 24 are drawn to allowable subject matter is noted with appreciation. Claims 23 and 24 have been amended to include the limitations of independent claim 13 as it stood when claims 23 and 24 were first indicated as having allowable subject matter. Claims 23 and 24 are believed to be allowable.

### ***III. Claim rejections - 35 U.S.C. §102***

Claims 13-19, 22, 25, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,344,026 to Spicer.

A cited prior art reference anticipates the claimed invention under 35 USC §102 only if each and every element of a claimed invention is identically shown in that single reference, arranged as recited in the claims. See MPEP §2131.

Spicer teaches storing a propagation model of the service provider's predicted signal strengths on a mobile terminal. This propagation model is trusted by both the user

and the service provider (page 4, 4<sup>th</sup> paragraph). Spicer further teaches storing an “ability” indication that provides verification of the mobile terminal’s ability to receive a signal transmitted from a service provider’s station. The “ability” indication is stored in the mobile terminal. The service provider can pull the stored ability indication out from the mobile terminal to verify the user’s ability to receive the received signal service at the undisclosed location. However, Spicer does not teach or suggest using the ability indication to change its propagation model.

In distinct contrast, the present application teaches changing the model in response to new measurements that improve the model. Claim 13 of the present invention clearly recites “changing the model in response to said new measurements”. This claim is supported at least in paragraph 27 and Figure 2 of the specification. For example, the specification states:

“If the new measurement violates significantly what the model predicts, it should, depending on the modeling paradigm, be included at 208 or included while excluding some other data point in the model which may become unnecessary, at 207.” (page 9, paragraph 27, lines 15-18 of the specification)

Applicants respectfully submit that claim 13 is not anticipated by Spicer since Spicer fails to disclose at least this feature. For at least this reason, claim 13 is allowable over Spicer.

Claims 14-19, 22, 25, and 54-55 are dependent upon claim 13 and thus inherit its limitations. Therefore, these claims are also allowable for at least the same reasons that claim 13 is allowable.

**CONCLUSION**

If there are any further questions or if more discussion is required, the Examiner is invited to call the Applicant's agent at the telephone number given below. In view of the above, the claims presently in the application are believed to be distinct over the cited references and in condition for allowance. Accordingly, it is respectfully requested that such allowance be granted at an early date.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078 from which the undersigned is authorized to draw.

Respectfully submitted,

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